

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00222

Jay Williams,
Plaintiff,

v.

Cody Barnett,
Defendant.

ORDER

Plaintiff Jay Williams, an inmate at the Henderson County Jail proceeding pro se, filed this lawsuit complaining of alleged violations of his rights pursuant to 42 U.S.C. § 1983. This case was referred to United States Magistrate Judge John D. Love. On May 12, 2023, the magistrate judge issued a report recommending that this case be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b)(1). Doc. 3. The magistrate judge further recommended that dismissal of this case should count as a qualifying dismissal under 28 U.S.C. § 1915 and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996). Plaintiff has not objected to the report and recommendation but has filed a handwritten coupon (Doc. 4), apparently in attempt to pay the filing fee.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation.

The court agrees that plaintiff's duplicative, frivolous, and malicious filings are an abuse of the judicial process. Plaintiff has only continued his pattern of practice since the issuance of the report and recommendation, filing numerous additional cases with the same deficiencies. *See* Case Nos. 6:23-cv-256, 6:23-cv-257, 6:23-cv-258, 6:23-cv-260, 6:23-cv-263, 6:23-cv-298, 6:23-cv-

300, and 6:23-cv-301. Moreover, as plaintiff has been made aware, the filing of a handwritten “coupon” is not an acceptable form of payment and does not therefore affect the court’s screening pursuant to 28 U.S.C. § 1915A. *See* Case No. 6:23-cv-00258, Doc. 3.

Accordingly, this case is dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b)(1). The dismissal of this action under § 1915A(b)(1) counts as a strike under 28 U.S.C. § 1915(g). *See Adepegba*, 103 F.3d at 388. Plaintiff is warned that if he accumulates three strikes, he will not be permitted to proceed *in forma pauperis* in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. *See* § 1915(g). All motions pending in this civil action are denied.

So ordered by the court on June 30, 2023.



J. CAMPBELL BARKER
United States District Judge